

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

INDICTMENT

-V. -

JOSE MINAYA,
a/k/a "Jose Minalla,"
a/k/a "Chichi,"

S1 07 Cr. 1043 (LBS)

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: MAY 08 2008

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2004, up to and including in or about August 2007, in the Southern District of New York and elsewhere, JOSE MINAYA, a/k/a "Jose Minalla," a/k/a "Chichi," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE MINAYA, a/k/a "Jose Minalla," a/k/a "Chichi," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

3. It was further a part and an object of the conspiracy that JOSE MINAYA, a/k/a "Jose Minalla," a/k/a "Chichi," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

4. It was a further a part and an object of the conspiracy that JOSE MINAYA, a/k/a "Jose Minalla," a/k/a "Chichi," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(C) of Title 21, United States Code.

Overt Acts

5. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. From at least in or about 2007, JOSE MINAYA, a/k/a "Jose Minalla," a/k/a "Chichi," the defendant, and his co-conspirators utilized stash houses located at 2100 Anthony Avenue, and 2200 Powell Avenue, in the Bronx, New York.

b. In or about 2007, MINAYA possessed cocaine at the stash house located at 2100 Anthony Avenue, Bronx, New York.

c. In or about 2007, MINAYA possessed crack at the stash house located at 2200 Powell Avenue, Bronx, New York.

d. In or about 2007, MINAYA possessed heroin at the stash house located at 2100 Anthony Avenue, Bronx, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

6. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JOSE MINAYA, a/k/a "Jose Minalla," a/k/a "Chichi," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

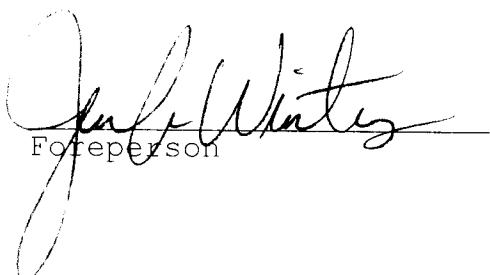
(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)



Jeff Winters
Forfeiture



Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

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Defendant.

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(18 U.S.C. § 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Foreperson.

Filed indictment. Case previously assigned to Judge Sand.

SPM

4/8/08

Francis, J.